

## Amendments and additions to the GCU (March 2011)

### Article 11

<p><b>1.- Expose the problem (with examples and, if possible, figures allowing to measure the scope of the problem)</b></p> <ul style="list-style-type: none"> <li>▪ The PEG was tasked to clarify whether safety reasons could override GCU rules.</li> <li>▪ National / international (railway) rules, including the safety certificates of a RU, are always above the GCU contractual rules.</li> <li>▪ New or latest findings must be respected, for example changed loading rules due to recent incidents.</li> </ul>	<p><b>2.- Show why and where the GCU is lacking in this respect</b></p> <ul style="list-style-type: none"> <li>▪ Chapter III of the GCU obliges a RU to accept a wagon when no concrete reasons oppose it.</li> <li>▪ Article 11 mentions these reasons, but recent evolutions having a direct impact on the safety are not sufficiently taken into consideration.</li> </ul>
<p><b>3.- Explain why the described problem can only be solved through the GCU contract</b></p> <ul style="list-style-type: none"> <li>▪ Although it is impossible to establish an exhaustive list of all possible reasons for refusal, a harmonized comprehension of the reasons for refusal of a wagon by a RU has to be guaranteed.</li> <li>▪ Article 11 foresees already different reasons for refusal.</li> <li>▪ The proposed addition guarantees that recent evolutions justifying the refusal of a wagon for safety reasons are immediately taken into consideration.</li> </ul>	<p><b>4.- Outline why solve the problem like it is envisaged in the proposed amendment/addition</b></p> <ul style="list-style-type: none"> <li>▪ The proposed addition stresses once more that the RU have always to ensure the safe operation of wagons.</li> </ul>
<p><b>5.- Describe how the proposed amendment or addition will help to solve the problem</b></p> <ul style="list-style-type: none"> <li>▪ The proposed addition will cover a wider range of reasons for refusal.</li> <li>▪ To avoid any arbitrary use of the new rule, the RU have to notify to the keeper the substantial reason put forward to refuse a wagon.</li> </ul>	<p><b>6.- Evaluate the possible positive and negative impacts (operational, costs, administrative, interoperability, safety, competitiveness,...), using a scale from 1 (very low) to 5 (very high)</b></p> <ul style="list-style-type: none"> <li>▪ Operational: 4 - high (arbitrary use has to be discouraged)</li> <li>▪ Safety: 5 - very high</li> </ul>

## **7.- Text proposal (Modification in *blue*)**

### **Article 11 : Refusal of wagons**

A RU may refuse wagons if

- their acceptance is prohibited by a competent authority,
- it is temporarily impossible to accept them for operating reasons specific to the RU concerned,
- there are exceptional circumstances beyond the control of the RU (cases of force majeure in particular) that temporarily prevent the wagons being accepted,
- the condition of the wagon does not meet technical and maintenance regulations or conform to current loading guidelines,
- **there are other substantial reasons which might affect the safe operation of the wagon; such reasons must be notified to the keeper.**

A RU may not refuse its own wagons when they are empty and in running order.